

**OPINION**  
**54-33**

June 16, 1954 (OPINION)

ELECTION BOARD

RE: Qualifications of Members

You have asked us if a candidate for precinct committeeman may serve on an election board.

Section 16-1001 of the 1953 Supplement to the North Dakota Revised Code of 1943 provides as follows:

"BOARD OF ELECTIONS: WHAT CONSTITUTES; QUALIFICATIONS OF MEMBERS. The judges of election, together with the inspector of elections, shall constitute the board of elections. No person shall be a member of the board of elections who:

1. Has anything of value bet or wagered on the result of an election;
2. Is a candidate at an election; or
3. Is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother or sister, of any candidate at an election."

The meaning of this statute appears to be very clear. Where a person is a candidate for office, has a close relative who is a candidate, or has made a wager on the result of an election, that person, because of his personal interest or possible personal interest, should not serve on the election board.

A candidate is a person who is voted for at an election. (See definition of candidate, Words and Phrases.) A candidate for precinct committeeman is a person to be voted for at an election. The statute makes no distinction between a candidate for a party office and a candidate for a state or public office.

In our opinion one who seeks the office of precinct committeeman in his party is a candidate in the sense of the word "candidate" as it is used in the statute and is not eligible to serve on the election board.

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